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DOCUMENT
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DATE FILED: 3/2/10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA, :

-v.- :

DAVID LEE, :

Defendant. :

- - - - -x

STIPULATION AND ORDER

08 Cr. 1135 (RPP)

WHEREAS, on or about November 13, 2008, DAVID LEE (the "defendant"), was charged in a four-count Information, 08 Cr. 1135 (RPP) (the "Information"), with conspiracy to commit wire fraud and to make false bank entries, in violation of Title 18, United States Code, Section 371 (Count One), wire fraud, in violation of Title 18, United States Code, Section 1343 (Count Two), false statements to a bank, in violation of Title 18, United States Code, Sections 1005 and 2 (Count Three), and obstruction of justice, in violation of Title 18, United States Code, Section 1505 (Count Four);

WHEREAS, the Information included a forfeiture allegation as to Counts One through Three, seeking forfeiture to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, of any and all property constituting or derived from any proceeds obtained directly or indirectly as a result of the offenses alleged in Counts One through Three of the Information;

WHEREAS, on or about November 18, 2008, the defendant pled guilty pursuant to a cooperation agreement (the "Cooperation Agreement");

WHEREAS, in the Cooperation Agreement the defendant admitted the forfeiture allegation with respect to Counts One through Three of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, a sum of money equal to \$1,710,00 million in United States currency, representing proceeds traceable directly or indirectly to his conduct charged in Counts One through Three of the Information, payable within 90 days of the date of the Agreement in the amount of \$855,000 to the United States and \$855,000 to the City of New York, representing all property, real and personal, that constituted or was derived from proceeds traceable to the commission of the offenses alleged in the Information; and

WHEREAS, on or about February 12, 2009 the defendant paid \$855,000 to the United States and \$855,000 to the City of New York pursuant to the Cooperation Agreement; and

WHEREAS, in order to enable a victim of the defendant's criminal conduct to obtain certain information concerning that criminal conduct and the conduct of others that is relevant to its resulting financial loss, this Office has agreed to transfer to defendant's counsel \$25,000 of the \$855,000 that the defendant paid to the United States pursuant to the Cooperation Agreement;

IT IS HEREBY STIPULATED, ORDERED AND AGREED, by and between Plaintiff United States of America, by its counsel, United States Attorney Preet Bharara, defendant David Lee, and his counsel, Amy Walsh, Esq., that:

1. The sum of \$25,000.00 shall be transferred to Kostelanetz & Fink LLP through a check issued by the United States Marshals Service made payable to and mailed to Kostelanetz & Fink LLP, 7 World Trade Center, 250 Greenwich Street, 34th Floor, New York, New York 10007.

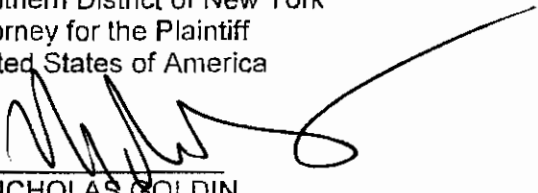
2. The parties hereby waive all rights to appeal or to otherwise challenge or contest the validity of this Stipulation and Order.

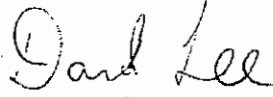
3. The Court shall have exclusive jurisdiction over

the interpretation and enforcement of this Stipulation and Order.

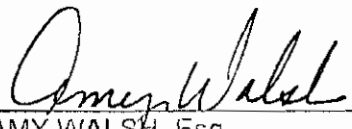
STIPULATED TO:

PREET BHARARA
United States Attorney
Southern District of New York
Attorney for the Plaintiff
United States of America

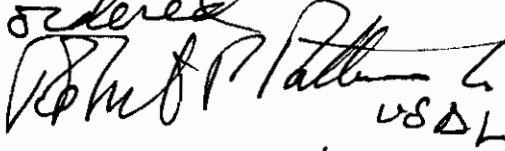
By: 
NICHOLAS GOLDIN
Assistant United States Attorney
One Saint Andrew's Plaza
New York, New York 10007
(212) 637-2334


DAVID LEE

2-18-10
Date


AMY WALSH, Esq.
KOSTELANETZ & FINK LLP
250 Greenwich Street
New York, NY 10007

February 19, 2010
Date

So ordered

v s d l
B/2/10